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President Trump's arms deal with Saudi Arabia - Cable Magazine

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1 Jul 2017 - President **Trump's** recent arms deal with **Saudi Arabia** represents another ... **Abdullah Yusuf**, Joseph Royce and Thomas Merritt consider the ...

*President Trump's recent arms deal with Saudi Arabia represents another sign that it is 'business as usual' for a President who won office on the promise of doing things differently. **Abdullah Yusuf, Joseph Royce and Thomas Merritt** consider the moral, legal and economic dimensions of the deal.*

President Trump made his first foreign tour in May 2017. A significant part of his itinerary was a visit to Saudi Arabia. In addition to some awkward handshakes, forced smiles, and sword dances, he also closed an arms deal that he described as a huge victory for his administration and American businesses, leading to “hundreds of billions of dollars in investment and jobs, jobs, jobs.” The [deal itself](#) is valued at \$110 billion dollars but is part of a much larger arrangement that is estimated to be worth [around \\$350 billion dollars](#) over the next ten years.

Though this deal may be one of the largest in history, US arms sales to Saudi Arabia are nothing new. The relationship between Washington and the House of Saud dates back to 1945 and a [meeting](#) between Franklin D. Roosevelt and King Abdulaziz, where the Saudis offered subsidised oil to America in return for military protection. Since then, US involvement has skyrocketed, with the [Obama administration](#) offering \$115 billion in arms to Saudi Arabia over the period of 2009-2016, \$57 billion of which was signed in formal agreements.

THE YEMEN CONFLICT

Arms deals pose serious ethical and legal considerations at the best of times. The latest US-Saudi deal took place under the shadow of Yemen's bloody civil war and the role that American military support for Saudi Arabia is playing in that conflict. The war has its foundation in the regional Arab uprisings in 2011 that saw Yemen's President Ali Abdullah Saleh ousted. In the wake of this, the Houthis, a Zaidi Shia minority, became militarised and attempted to gain power. This caused fear in Saudi Arabia and aroused suspicions that Iran (a Shia majority country) was making a push to expand its influence in the Gulf, at the expense of Saudi interests. On the other side of the conflict is the internationally recognised government of President Abdrabbuh Mansour Hadi, Saleh's deputy in pre-uprising Yemen. Though seen as the rightful government of Yemen, the failure of a successful transition led to both sides in the conflict taking up arms to gain control. After numerous Houthi successes, culminating in the capture of Sanaa, Yemen's capital, Saudi Arabia decided to intervene in support of Hadi's

government, in an effort to push back the Houthi advance. This intervention has been conducted in two ways: blocking Yemen's ports, and via an aerial bombing campaign.

Air strike in Sana'a, Yemen, 11 May 2015. By [Ibrahim Qasim](#) (Own work) [[CC BY-SA 4.0](#)], [via Wikimedia Commons](#)

President Trump and his Secretary of State, Rex Tillerson, have argued that the recent US-Saudi arms deal is separate from any geopolitical considerations, [denying concerns](#) over the [ethics of selling weapons](#) to a state that may use them against civilians in one of the most vulnerable states in the Middle East. This stance contrasts somewhat with that taken by the previous Obama administration, where the connection between arms sales and civilian casualties was at least acknowledged. During the last months of his presidency, Obama halted the sale of cluster bombs that Saudi Arabia was using to combat Houthis in Yemen. He also stopped the transfer of \$400 million of precision-guided missiles. These decisions reflected the Obama administration's increasing unease over the Saudi military campaign in Yemen, notably the toll it was taking on civilians.

The decision to halt the sale of precision-guided missiles – weapons that supposedly facilitate discriminatory bombing, thus minimising civilian casualties – reflected concerns in Washington that Saudi Arabia simply was not discriminating targets in its air campaign over Yemen, as the [bombing of a funeral](#) in Sana'a appeared to illustrate. On March 15th, 2016 two bombs were dropped in Mastaba, [killing ninety-seven people](#), including twenty-five children. Fragments of the bombs taken from the village proved them to be US-manufactured GBU-31 satellite-guided bombs, 1000 of which were included in a \$1.29 billion trade to Saudi Arabia in November 2015, less than a year before. It is very easy to understand concerns over US complicity in these events, yet the current administration in Washington does not appear to share them.

ARMS SALES AND THE LAW

Trump's arms deal with the Saudis poses moral and legal questions. Arms sales are permitted between countries. However, the legal issues that this deal brings to the fore are contained in the extensive breaches of human rights that Saudi Arabia is responsible for in its conduct of the Yemen conflict. In [domestic legal terms](#), this deal breaches provisions contained in the Arms Export Control Act 1976 (AECA 1976) and the Foreign Assistance Act of 1961 (FAA 1961), the latter of which was amended in 1974 to include human rights abuses and 'security assistance'.

An analysis of AECA 1976 and FAA 1961 adequately explains the legal missteps that Trump has made in the deal. When trading arms with other countries, the AECA 1976 states that countries receiving weapons from the US should be used for legitimate self-defence. Furthermore, these weapons should not be transferred if they may 'increase the possibility or escalation of conflict'. Building on these provisions, the amended FAA lays out exactly what the President should do in the event that it becomes clear that a US arms sale is contravening US law. To summarise, these provisions say that the President shall 'substantially reduce or terminate security assistance to any government ... engaging in gross violations of internationally recognised human rights', among other violations such as the denials of the right to life, liberty, and the security of the person. The inclusion of 'security assistance' is

important as it includes American combat personnel sent to aid foreign regimes, as well as military sales under the Foreign Military Sales Act (FMSA) 1968 (amended 1971). President Trump's arms deal with Saudi Arabia, and other support the US is providing for the Saudi bombing campaign in Yemen, [is covered by these bills](#).

Washington's association with Saudi military activity in Yemen has not gone unnoticed by legal professionals inside the United States.

Washington's association with Saudi military activity in Yemen has not gone unnoticed by legal professionals inside the United States. The American Bar Association [highlighted the discrepancy](#) between the recent arms deal and the provisions laid out in the AECA 1976 and FAA 1961, concluding that arms sales to Saudi Arabia are 'prohibited until [Saudi Arabia] takes effective measures to ensure compliance with international law and the President submits relevant certifications to Congress'.

Moving beyond domestic US law, international law might be seen to add the final piece to this legal puzzle. The [United Nations Arms Trade Treaty](#) (ATT) is the primary piece of international law that deals with the sale of arms to regimes that break international humanitarian laws. It aims to set standards for all cross-border transfers of conventional weapons, ranging from small firearms to tanks. Article 6 (3) of ATT specifically mentions attacks against civilians as a legal 'red line' which should spark a strict regulatory regime in arms sales to the offending country. It is significant to note that the US is a signatory to ATT. When we bear in mind the US legislation, as well as international law, there is a strong argument that the arms deal with Saudi Arabia is not just immoral but also illegal.

IT'S THE STUPID ECONOMY

President Trump has touted the Saudi arms deal as one that will create jobs for working-class Americans, giving a major boost to the US economy. However, the economic characteristics of the US arms industry mean that it is difficult to say categorically that benefits really will accrue in this way. America's arms industry receives an array of subsidies – both indirect and direct – at federal, state, and local levels, that ultimately direct tax dollars into private companies which then hold on to their profits, aided by extensive tax breaks. For example, Lockheed Martin received \$1.2 billion in subsidies over ten years, most of which has been received since 2010. \$766 million came from state and local governments via contracts awarded to the company, which are nominally known as 'cost-plus' contracts, where the arms company is guaranteed a profit, even if they go over budget on providing the hardware for the sale. America's arms companies regularly go over budget, and due to these 'cost-plus' contracts, it is [the taxpayer who foots the bill](#).

This arrangement is a near-constant of US government budgeting and seems to prevail regardless the state of the US economy. President Clinton introduced the 1996 Personal Responsibility and Work Opportunity Act (PRWO), which [cut the federal budget by \\$7 billion per year](#) between 1998-2002. During this same period, the arms industry received \$7 billion each year directly from the federal budget alone, not including state and local subsidies,

allowing critics to declare that savings from the welfare budget were paying for arms industry subsidies.

Over the past two decades, the [state of California](#) has given out \$2.67 billion in tax breaks. \$899 million of this figure went into aerospace and military contractor such as [Lockheed Martin and Northrop](#). Not only this, in 2014 an ad hoc tax break was granted to Lockheed Martin, which was subsequently extended to Northrop once it pointed out that the state was unfairly aiding its rival (Lockheed) in the arms sector. However, despite the windfall of state money into the arms industry, California has experienced one of the most [severe downturns in its economy](#) of any US state; four cities went bankrupt between 2008-2012, and the state budget saw a squeeze of 24%, contributing to a rise in poverty across the state. All the while, tax breaks and subsidies equating to many millions of dollars every year continue to be handed over to arms manufacturers.^[2]

It's no secret that President Trump aims to shrink the size and scope of the US federal government. However, his wish to reduce government budgets, tied to the continuance of subsidies for America's arms companies, represents a dubious return for American taxpayers. This is especially so when one considers that Trump's 'jobs, jobs, jobs' rhetoric surrounding the Saudi arms deal overlooks something important. Whilst the 'net gain' in jobs may be positive overall for the US, many of the jobs in the arms industry are highly technical; they are not the 'blue collar' jobs that Trump promised millions of Americans he would secure for them if elected to office.

The system is one in which the efforts of the US government keep vast amounts of money pouring into the coffers of America's arms manufacturers.

It should also be borne in mind that some of the hardware purchased by Saudi Arabia will be constructed there. An estimated 450 jobs will be created for Saudis working on the 150 S-70 Black Hawk utility helicopters that comprise part of the [Lockheed Martin contract](#). This might be seen as undercutting America's technological and military edge, in addition to bolstering the technical expertise of Saudi Arabia – the lack of which is what leads it to purchase US weapons in the first place. General Dynamics has agreed to localise 50% of its production of armoured combat vehicles in Saudi Arabia. Raytheon has announced its intention to create Raytheon Arabia which will focus on programs to enable Saudi Arabia to create its own defence, aerospace, and security capabilities. All these measures might be seen to come at the expense of future American production. When viewed in this light, Trump's emphasis on the employment benefits of the Saudi deal looks less convincing.

The system is one in which the efforts of the US government keep vast amounts of money pouring into the coffers of America's arms manufacturers. But do the benefits run the other way, too? Are ordinary Americans being served well by this arrangement? A 2009 report from the University of Massachusetts suggested that \$1 billion dollars invested in so-called 'clean jobs' such as education and healthcare would create more jobs across all pay ranges when compared to that same investment in military. Whilst such figures would doubtless be disputed by some, what is not in dispute is that Trump is highly unlikely to test the 'clean jobs' theory, despite his rhetoric on creating blue-collar employment.

BUSINESS AS USUAL

The Trump arms deal will nourish Saudi Arabia's capacity to continue its current military operations. The deal also signals to the Saudis that their much-criticised actions in Yemen are not sufficiently questionable to provoke sanction by the Trump administration. If it's business as usual, then surely nothing is amiss? And it is business as usual. This latest deal did not come out of a vacuum. The history of US-Saudi relations is replete with trades of this very kind. But the latest deal provides explicit support for Saudi Arabia whose actions have helped plunge [3.3 million women and children into starvation](#). Remnants of weapons and munitions found in conflict zones inside Yemen show a direct link between US-supplied weapons and the suffering of millions of Yemenis. The Saudi arms deal breaches US laws and flies in the face of international humanitarian legislation. As such, it is both illegal and immoral.

Trump's deal represents a depressing continuation of US policy from a President who likes to portray himself as different and transformative. It will have knock-on effects on the battlefields of Yemen, (but also elsewhere), where al Qaeda and Daesh have already found [space to flourish](#). It will impact severely the development of regional politics in the Middle East in ways that will reverberate long after Trump is out of office. In a period of apparent political change, it seems that some things always stay the same.

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